



THE CITY OF NEW YORK
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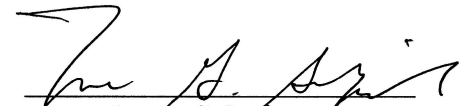
January 8, 2024

VIA ECF

Honorable Lorna G. Schofield
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Application GRANTED. The initial pre-trial conference is adjourned to a time to be set by Judge Aaron. Defendant shall promptly alert Plaintiff of this adjournment. So Ordered.

Dated: January 8, 2024
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: John T. Hop Wah v. Adeyemi Adebola, et al.
23-CV-1420 (LGS)

Your Honor:

I am a Senior Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and the attorney assigned to the defense of the above-referenced matter.¹ The undersigned writes to respectfully request: (1) that Court *sua sponte* grant individually named defendant Cordell Crosby a sixty (60) day enlargement of time to answer or otherwise respond to the Complaint, from January 16, 2024 until March 18, 2024; (2) that the Court *sua sponte* afford individually named defendant Officer Adeyemi Adebola a corresponding extension of time to respond to the Complaint, assuming he is properly served by February 26, 2024; and (3) an adjournment of the initial pretrial conference currently scheduled for January 10, 2024 at 4:20 p.m. to a date and time convenient for the Court after March 18, 2024. This is the first request of this kind and Mr. Nandlall attempted to reach *pro se* plaintiff John T. Hop Wah for his consent, but was unable to make contact with him prior to submitting this letter.

By way of relevant background, plaintiff brings this action, pursuant to 42 U.S.C. § 1983, alleging, *inter alia*, false arrest and malicious prosecution arising from his arrest on or about December 16, 2011. See ECF No. 2. Plaintiff names former New York County District Attorney

¹ This case has been assigned to Assistant Corporation Counsel Randy Nandlall, who is awaiting admission to the New York Bar. Mr. Nandlall is handling this matter under my supervision and may be reached at (212) 356-2356 or rnandlall@law.nyc.gov.

Cyrus Vance, Assistant District Attorney Kelli Clancy, Investigator Mark Duggan, Adeyemi Adebola, Vasili Karlis, Assistant District Attorney Aaron M. Ginandes, New York County District Attorney Alvin Bragg, and Cordell Crosby as defendants in this action. See ECF No. 2. On August 9, 2023, the Court dismissed defendants Vance, Bragg, Zaleta, Ginandes, Clancy, Duggan, and Karlis and directed service on defendants Adebola and Crosby. See ECF No. 8. On December 04, 2023, the Court ordered that the U.S. Marshals Service affect service on the two remaining defendants, Adeyemi Adebola and Cordell Crosby. See ECF No. 21. A review of the docket indicates that defendant Cordell Crosby was served on December 5, 2023 and his response to the Complaint is due on January 16, 2024. See ECF No. 28. A review of the docket indicates that defendant Adeyemi Adebola has not been served.

There are several reasons for seeking an enlargement of time in this matter. First, in accordance with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedure, and before this Office can adequately respond to the Complaint, this Office must conduct an investigation into the allegations set forth in the Complaint. To that end, it is our understanding that, based on plaintiff's allegations, records related to the incident at issue may be sealed pursuant to N.Y. C.P.L. § 160.50. Accordingly, our Office may require a signed consent and authorization form for the release of sealed arrest and criminal prosecution records to obtain them. The appropriate release has been sent to plaintiff for execution. Once an executed release is provided to this Office, this Office needs time to request and obtain the pertinent arrest and prosecution documents, evaluate the claims in the Complaint, and properly respond to the allegations therein.

Furthermore, upon information and belief, individually named defendant Adeyemi Adebola has not yet been served and, as indicated above, an affidavit of service for defendant Cordell Crosby was just entered on the docket on January 4, 2024. Pursuant to Section 50-k of the New York General Municipal Law and based on a review of the case, this Office must determine whether it will represent defendant Crosby in this action, and once defendant Adeyemi Adebola is served with process, this Office but also determine whether it will represent defendant Adebola in this action. The individual defendants must then decide whether they wish to be represented by this Office. If so, this Office must obtain their written authorization. Only after this process has been followed can this Office determine how to proceed in this case. See General Municipal Law § 50(k); see also Mercurio v. City of New York, 758 F.2d 862, 864-65 (2d Cir. 1985); see also Williams v. City of New York, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (noting that the decision to bestow legal representation upon individual defendants is made by the Corporation Counsel as set forth in state law).

For the foregoing reasons, the undersigned respectfully requests: (1) that the Court *sua sponte* grant individually named defendant Cordell Crosby a sixty (60) day enlargement of time to answer or otherwise respond to the Complaint, from January 16, 2024 until March 18, 2024; (2) that the Court *sua sponte* afford individually named defendant Officer Adeyemi Adebola a corresponding extension of time to respond to the Complaint until March 18, 2024, assuming he is properly served by February 26, 2024; and (3) an adjournment of the initial pretrial conference currently scheduled for January 10, 2024 at 4:20 p.m. to a date and time convenient for the Court after March 18, 2024.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Inna Shapovalova

Inna Shapovalova
Senior Counsel
Special Federal Litigation Division

cc: **VIA FIRST-CLASS MAIL**
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